



**STATE OF TENNESSEE
TENNESSEE EMERGENCY COMMUNICATIONS BOARD
DEPARTMENT OF COMMERCE & INSURANCE
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AMENDED POLICY NO. 1
COMMITMENTS RELATED TO
DISBURSEMENTS AND REIMBURSEMENTS

Policy #1 of this Board is hereby modified to read as follows:

Unless otherwise determined, neither the Board nor its employees shall make any commitment related to disbursements or reimbursements from the "911 Emergency Communications Funds" as set forth in Tennessee Code Annotated § 7-86-303; provided, however, that this shall not apply to those funds required for the administrative and operating expenses of the Board, or to such expenditures that are required and necessary to implement, operate, maintain, or enhance statewide wireless enhanced 911 service in conformance with Tennessee Code Annotated § 7-86-306(a)(10), any applicable rules or orders of the Federal Communications Commission, or any other state and federal requirements that pertain to wireless enhanced 911 service in Tennessee. Any such commitment to reimbursement or disbursement shall be made subject to the availability of funds in accordance with Tennessee Code Annotated § 7-86-306(a)(10).

Upon receipt of a request for disbursement or reimbursement *not authorized under Paragraph 1 of this policy*, the Board's Executive Director is authorized, without further Board action, to inform the requestor that no *such* disbursement will be considered or made until such time as the "911 Emergency Communications Fund" is fully funded and methods of disbursement and reimbursement have been instituted.

The Executive Director shall inform the Board of all such requests received.

Effective 11-23-99.

POLICY NO. 2
AUTHORIZATION TO EXECUTIVE DIRECTOR
ON PERSONNEL MATTERS

Subject to the provisions of T.C.A. Title 9, Chapter 6, and T.C.A. §7-86-306(3), the Board's Executive Director is authorized to make all decisions related to the employment and termination of personnel within the Board's office.

Effective 12-15-98.

AMENDED POLICY NO. 3
AUTHORIZATION TO EXECUTIVE DIRECTOR
ON CONTRACTUAL MATTERS

Subject to the provisions of T.C.A. Title 12, and T.C.A. §7-86-306, and after review and approval by the Board's legal counsel and a designated member of the Board (the Comptroller of the Treasury or the Comptroller's designee), the Board's Executive Director is authorized to enter into contracts in order to assist the Board in performing its statutory duties.

Effective 12-15-98; amended 5-27-04.

POLICY NO. 4

PROCEDURES FOR HANDLING PROPRIETARY INFORMATION

When information is submitted to the Board in conformity with Rule 0780-6-1-.03 (Submission of Proprietary Information) the following procedures shall be followed by the Board's staff.

1. Documents, envelopes and/or packages received by the Board office that are marked "CONFIDENTIAL" shall only be opened and/or reviewed by the Board's Executive Director or other individuals designated by the Director. All such individuals shall be in conformity with Rule 0780-6-1-.04 (Access to Proprietary Information).
2. Proprietary information that is received by the Board office in envelopes and/or packaging that has previously been opened shall be immediately brought to the attention of the Executive Director or the Director's designee(s). **As soon as possible thereafter, the delivering entity and the sender shall be notified in writing of the condition of the envelope or packaging as it existed when received by the Board office.**
3. Proprietary information that is received by the Board office in envelopes and/or packaging that is not marked "CONFIDENTIAL" and that is subsequently opened by a Board staff member other than the Executive Director or the Director's designee, shall be immediately brought to the attention of the Executive Director or the Director's designee(s).
4. The Board's Executive Director or the Director's designee(s) shall review the information and determine if it qualifies as proprietary information under the Board's rules.
5. Information that is deemed proprietary shall be secured and stored in accordance with rule 0780-6-1-.05.
6. Information that is not deemed to be proprietary shall be sealed and returned to the sender via certified mail. A notation shall be made in a Board log that specifies the date the information was returned and the individual or entity to whom it was returned.

Effective 8-22-00.

POLICY NO. 5

DESIGNATIONS REGARDING THE MEDIA

The Emergency Communications Board ("the Board") finds that it is necessary to designate representatives who are authorized to speak to Media representatives on behalf of the Board and to make statements to other individuals and organizations regarding established Board policies, standards, rules, and decisions. Therefore, the Board hereby designates the Board Chair and/or the Board's Executive Director as such authorized representatives. No other individual shall speak on behalf of the Board without first obtaining approval from the Board, which approval must be properly voted upon on the record at a full Board meeting. Nothing contained herein shall prohibit the Board's staff attorney or General Counsel from making any statements regarding legal matters affecting the Board.

Effective 6-29-00.

POLICY NO. 6

Rescinded 1-15-04.

POLICY NO. 7

AUTHORIZATION TO PROVIDE OPINIONS TO DISTRICTS

The Executive Director and/or Staff Attorney are hereby authorized to render opinions to local Emergency Communications Districts and CMRS providers regarding matters which can be addressed through reference to the Emergency Communications District Law or any Rules, Policies or Standards established by the Emergency Communications Board. In formulating such opinions, the Director and/or Attorney are authorized to take into consideration any previous opinions/actions taken by the Board regarding the same or similar matters.

Effective 2-22-01.

POLICY NO. 8

SUCCESSION OF DISTRICT BOARD MEMBERS

WHEREAS, it has come to the attention of the Tennessee Emergency Communications Board (the "ECB") that certain Emergency Communications Districts ("Districts") and local governmental entities may be confused with regard to the status of 911 board members whose term has expired but who continue to serve as holdovers pending appointment and confirmation of their successors; and

WHEREAS, pursuant to Tennessee Code Annotated §7-86-106, a District shall be a "municipality" or public corporation and shall be "a body politic and corporate with power of perpetual succession..." and

WHEREAS, if District board members did not holdover in office, a District could be rendered incapable of conducting business by the failure of local governmental officials and/or bodies to appoint and/or confirm board members. It is the interpretation of the ECB that the Legislature did not intend to grant to these entities the power to nullify a District's ability to function in this manner. Further, such a circumstance would not be in the best interests of the public; and

WHEREAS, pursuant to Tennessee Code Annotated §7-86-306(13), the ECB is vested with the power and authority "to take all actions necessary, proper, or convenient for the accomplishment of the purposes enumerated herein; and

WHEREAS, the Tennessee Attorney General in Opinion No. 00-119 has opined that a regulatory board has the authority to interpret its own law, especially where such interpretation would further the intent of the legislature in enacting such law.

NOW THEREFORE, the Tennessee Emergency Communications Board hereby enacts the following policy:

It is in the best interests of the public to ensure that Districts are able to operate and provide 911 service to the citizens of Tennessee without interruption. Toward that end, it is the policy of the ECB that a District board member shall serve in office until his/her successor is duly appointed and confirmed.

Effective 2-22-01.

POLICY NO. 9

CONTACT AND INFORMATION REQUIREMENTS FOR CMRS PROVIDERS, PSAPS AND DISTRICTS

WHEREAS, the Tennessee Emergency Communications Board (the Board) finds that there is a need for public service answering points (PSAPs) to obtain a caller's identification, call-back number and location information from commercial mobile radio service (CMRS) providers immediately in an emergency situation; and

WHEREAS, Title 47, United States Code, Section 222 specifically permits the release of such information to public safety answering points and providers of emergency services:

NOW THEREFORE, the Board hereby enacts the following policy:

Requirements for CMRS Providers:

1. All CMRS Providers providing Commercial Mobile Radio Service in the State of Tennessee shall establish a dedicated emergency toll-free number restricted for use in emergency situations by Emergency Communications Districts (Districts), PSAPs, and other public safety emergency service providers (as defined by T.C.A. §7-86-103(1)). This number shall be staffed twenty-four hours per day, seven days per week.
2. All CMRS Providers shall provide a customer's name and address immediately upon request of a District, PSAP or other public safety emergency services provider for use in an emergency situation. No subpoena shall be necessary. Nothing herein shall prohibit a CMRS provider from requesting written confirmation of the request after the emergency has abated.
3. Each CMRS Provider shall provide the Board and each District in its service area with the provider's non-emergency toll-free number, as well as the number established pursuant to item number one above, and with the address to which any non-emergency requests or subpoenas for information should be sent.
4. Each CMRS Provider shall provide the Board and each District director with an escalation list within the provider's company that can be followed by the District in the event that the procedures outlined below are not followed by the provider's employees.

Requirements for PSAPs and Districts:

7. Each District shall provide the Board with PSAP information lists for all PSAPs within their service area together with the following information for each PSAP:
 - a. Name of Supervisor/Director;
 - b. Call-back number for use by CMRS providers; and
 - c. Address.

The Board shall provide each CMRS provider with this information for PSAPs within the provider's service area.

8. The District's Director or the PSAP's supervisor shall serve as the contact for CMRS providers in the event that PSAP personnel fail to follow proper procedures in obtaining customer information as outlined below.

Information Request Procedures:

1. Where a PSAP, District, or emergency services provider requires customer information in an emergency situation, the person calling shall:
 - a. Call the provider's dedicated emergency toll-free number;
 - b. Identify themselves and their PSAP by name and county and give their Operator name and number;
 - c. Identify the emergency; and
 - d. Specify the information required.
2. Upon receipt of a request for information in an emergency, the CMRS provider shall immediately look up the customer information requested. The provider shall then reference the PSAP information list provided by the Board and contact the Director/Supervisor designated thereon for the requesting PSAP to deliver the information.

POLICY NO. 10

**TIME REQUIREMENTS FOR IMPLEMENTING ADJUSTMENT TO
EMERGENCY TELEPHONE SERVICE CHARGE**

WHEREAS, pursuant to Tennessee Code Annotated §7-86-306(a)(11) and §7-86-304, the Tennessee Emergency Communications Board ("the Board") has the authority to raise the emergency telephone service charge rates of an individual emergency communications district ("ECD"); and

WHEREAS, the Board finds that it is imperative that any rate increases be implemented in a timely manner in order to ensure public safety through the continued operation of the ECD in question; and

WHEREAS, the Tennessee General Assembly, in Tennessee Code Annotated §7-86-108(a)(1)(B)(i), has determined that sixty (60) days is a reasonable time within which to require implementation of a service charge rate change for commercial mobile radio service providers; and

WHEREAS, the Board finds that sixty (60) days is a reasonable amount of time within which to require implementation of a service charge rate change for landline service suppliers and that certain local exchange carriers are, in fact, implementing rate changes within this time frame; and

WHEREAS, Tennessee Code Annotated §7-86-306(a)(13) authorizes the Board to take all the actions necessary, proper, or convenient for the accomplishment of the purposes enumerated herein;

NOW THEREFORE, the Board hereby enacts the following policy:

Service suppliers shall implement any change to the emergency telephone service charge for an ECD within their service area no later than sixty (60) calendar days after receiving notification of such change from the ECD.

Effective Date: 8-30-01.

POLICY NO. 11

MODIFICATIONS TO SERVICE CHARGE INCREASES

Any rate increases granted by the Tennessee Emergency Communications Board ("the Board") pursuant to Tennessee Code Annotated §§7-86-304 and 7-86-306(a)(11) shall be subject to modification by the Board at any time. Such modifications may include, but are not limited to, imposition of an expiration date, reduction of the amount by which such rates were increased, and/or reversal of the rate increase.

Effective Date: 8-30-01.

POLICY NO. 12

DIRECT DEPOSIT POLICY

Effective July 1, 2002, funds remitted to the Tennessee Emergency Communications Board by wireless carriers shall be sent via direct deposit.

Effective Date: 5-24-02.

POLICY NO. 13

TIME FOR FILING BUDGETS

Effective June 30, 2003, individual Tennessee Emergency Communications District's approved budgets are due to the Tennessee Emergency Communications Board no later than 45 days after the local ECD approval budget has been approved.

Effective Date 9-12-02.

AMENDED POLICY NO. 14

PROCEDURES FOR ECD RATE INCREASE REQUESTS AND REQUESTS FOR EXTENSION OF INCREASE

The following are procedures to be used by districts to apply to the Tennessee Emergency Communications Board (TECB) for increases to the emergency telephone service charge (also referred to below as "rates"):

1. The Board of Directors of an Emergency Communications District (ECD) must vote to initiate a rate increase request, with proposed rates, desired effective date(s), the amount of additional revenue, and justification for the rate increase.
2. (a) The ECD must send a letter to the County Executive (for a county ECD) or Mayor (for a municipal ECD) notifying them of the ECD's intent to petition the TECB for a rate increase. The County Executive/Mayor must sign a statement acknowledging receipt of such letter, which the ECD shall include in its application to the TECB.
OR
(b) The ECD must send a certified letter to the County Executive (for a county ECD) or Mayor (for a municipal ECD) notifying him or her of the ECD's intent to petition the TECB for a rate increase.
3. The ECD must publish a Public Hearing Notice (indicating its intent to petition the TECB for a rate increase) in a newspaper of general circulation (that serves that ECD's area) at least two times during the period—at least 30 days, but not more than 60 days, before such Public Hearing.
4. The ECD must hold the Public Hearing on its rate increase request. Minutes must be kept and sent to the TECB as part of the ECD's rate increase application.
5. The ECD must adopt a resolution to request the TECB to raise its rates.¹ The resolution must contain the proposed rates, amount of additional revenue, desired effective date(s), and justification for the rate increase.
6. The ECD must complete and return an application from the TECB. The completed application packet should be sent to the following address:

Tennessee Emergency Communications Board
Department of Commerce and Insurance
500 James Robertson Parkway, Fifth Floor
Nashville, TN 37243
7. In the application packet, the ECD shall include an interlocal agreement with each local governmental entity that contributes facilities, resources and/or income of any kind to the ECD or receives such from the ECD, in which such entity agrees that in exchange for the added or continued service that will be facilitated by the Emergency Communications Board's approval of an increase to the emergency telephone service charge within the ECD, the local governmental entity will not decrease its contribution to the ECD below the maximum amount it contributed during the prior fiscal year;²
8. The TECB staff will review the application for completeness. The resolution referred to in #5 above must be included in the application package. If an application is incomplete or inaccurate, it may increase needed review time and ultimately delay consideration by the TECB.
9. The TECB staff will conduct a review of the district and its rate increase request, including, but not limited to, an on-site visit, review of the material submitted, and a meeting with the ECD Director and/or Board Chair.

¹ The ECD can decide to not adopt the resolution. If this action occurs, then the process stops.

² This requirement is evidentiary. The fact that a district is unable to obtain such an agreement will be considered as part of the rate increase information, but will not, in and of itself, preclude a district from receiving a rate increase, so long as the district provides evidence of its attempt to comply with this requirement.

10. The TECB staff may set deadlines for submitting all necessary materials for consideration in order to provide adequate review time by TECB staff.
11. The TECB staff will submit its “findings,” and the “application” to the TECB at a public meeting.
12. The TECB will deliberate the rate increase request. At a minimum, the ECD Chair and Director shall attend this meeting, and be prepared to respond to questions from the TECB regarding the need for the request.
13. The TECB will either approve or deny the rate increase request, and provide rationale for its decision.
14. If the rate increase request is approved by the TECB, the TECB Executive Director shall send a letter to the ECD to keep on file, as well as inform the Tennessee Regulatory Authority. The rate increase approval letter may be used to notify the appropriate telephone companies of the approved rate increase.

To apply for an extension to the emergency telephone service charge, the application process described in #5 through #13 above shall be followed. The resolution referred to in #5 shall request the TECB to extend the increase to the emergency telephone service charge. The procedures in #1 through #4 are optional for requests for an extension to the emergency telephone service charge.

Expedited Procedures for Applying for Extensions Expiring on June 30, 2006

To apply for an extension to an emergency telephone service charge scheduled to expire on June 30, 2006:

On or before June 30, 2006, districts seeking an extension of their increased emergency telephone service charge shall:

1. Adopt a resolution to request the TECB to extend its increased rate. The resolution shall contain the current rates, amount of additional revenue received through the rate increase and a justification for the extension of the rate increase.
2. Complete and return an abbreviated application for extension of the rate to the TECB. The abbreviated application form is entitled “Application for Extension of Rate Increase Expiring on June 30, 2006” and is available on the TECB website.
3. Provide an interlocal agreement with each local governmental entity that contributes facilities, resources and/or income of any kind to the ECD or receives such, in which such entity agrees that in exchange for the added or continued service that will be facilitated by the Emergency Communications Board’s approval an increase to the emergency telephone service charge within the ECD, the local governmental entity will not decrease its contribution to the ECD below the maximum amount it contributed during the prior fiscal year for the term of the rate increase;³
4. Complete an updated financial statement;

³ This requirement is evidentiary. The fact that a district is unable to obtain such an agreement will be considered as part of the rate increase information, but will not, in and of itself, preclude a district from receiving a rate increase, so long as the district provides evidence of its attempt to comply with this requirement.

5. No later than June 30, 2005, send the resolution, the application, the interlocal agreement(s) and the updated financial statement to the following address:

Tennessee Emergency Communications Board
Department of Commerce and Insurance
500 James Robertson Parkway, Fifth Floor
Nashville, TN 37243
6. The TECB staff will review the application for completeness. If the application package is complete, staff will provide the ECD with written notice that the rate increase has been extended until no later than June 30, 2007, with the understanding that at some point during the 2006-2007 fiscal year, the Board shall review the application packet and decide whether to terminate the rate increase or extend it for a period of one to three years.
7. During the 2006-2007 fiscal year, staff will substantively analyze the information in the application packets and conduct a review of the district and its rate increase request, which may include, but not be limited to, an on-site visit and a meeting with the ECD Director and/or Board Chair.
8. Staff will issue a written recommendation as to whether to terminate the rate increase or extend it for a period of one to three years no later than ten (10) days prior to the meeting during which the Board will consider whether to extend the rate increase. Copies of the recommendation will be provided to the ECD upon issuance.
9. The Director and/or Chairman of the ECD shall attend the meeting during which the ECD's request is considered in order to respond to questions the Board may have regarding the request and/or to staff's recommendation.
10. Commencing on the first meeting after June 30, 2006, the Board shall begin the process of deliberating on whether to terminate the rate increases or extend them for a period of one to three years. The Board shall review the requests for extension of the rates of between 4 and 6 districts at each meeting throughout the 2006-2007 fiscal year.

Effective 09/12/02, amended July 16, 2004, November 10, 2005.

POLICY NO. 15

DISTRICT CONTACT INFORMATION REQUIREMENTS

Effective February 1, 2004, each Emergency Communications District in Tennessee shall annually provide to the Tennessee Emergency Communications Board the name, address, telephone number and email address, if any, of each current member of such Emergency Communications District Board. Any vacancies arising on an Emergency Communications District Board and/or any change in the membership of a Board and the newly appointed member's name, address, telephone number and email address, if any, shall be reported within ten (10) days of the confirmation of such member or the effective date of the change in membership, if the member is appointed without confirmation.

Adopted January 15, 2004.

POLICY NO. 16

DURATION OF DESIGNATION AS FINANCIALLY DISTRESSED DISTRICT

Effective February 1, 2004, Emergency Communications Districts that have been determined to be "financially distressed districts" pursuant to Tenn. Code Ann. § 7-86-304(d) shall remain subject to the supervision and evaluation of the Tennessee Emergency Communications Board for a period of not less than two consecutive years of positive cash flow.

Adopted January 15, 2004.

POLICY NO. 17

PENALTY FOR FAILURE TO SUBMIT ANNUAL BUDGET

Effective February 1, 2004, pursuant to Tenn. Code Ann. § 7-86-108(f), the Executive Director of the Emergency Communications Board is authorized to withhold the distribution of the wireless emergency telephone service charge collected pursuant to Tenn. Code Ann. § 7-86-108(a)(1)(B) to all Emergency Communications Districts that fail to submit an annual budget as required by Tenn. Code Ann. § 7-86-304(c) no later than 45 days after local Emergency Communications District approval of such budget. The emergency telephone service charge shall be withheld until a copy of such budget is filed.

Adopted January 15, 2004.

POLICY NO. 18

TECB ETHICS POLICY

1. Persons covered. This Policy applies to all members of the Tennessee Emergency Communications Board.
2. Board member responsibilities. Each board member shall avoid any action, whether or not specifically prohibited by statute, regulation, or this Policy, which might result in or create the appearance of:
 - i. Using public office for private gain;
 - ii. Giving preferential treatment to any person;
 - iii. Impeding government efficiency or economy;
 - iv. Losing complete independence or impartiality;
 - v. Making a government decision outside of official channels; or
 - vi. Affecting adversely the confidence of the public in the integrity of the Emergency Communications Board.
3. Gifts. No board member shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the board member's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:

- i. Has, or is seeking to obtain, contractual or other business or financial relations with the Emergency Communications Board or any other entity in which the board member is employed; or
 - ii. Conducts operations or activities that are regulated by the Emergency Communications Board or any other entity in which the board member is employed; or
 - iii. Has interests that may be substantially affected by the performance or nonperformance of the board member's official duties.
4. Exceptions. The prohibition on accepting gifts in paragraph 3 does not apply to:
- i. A gift given by a member of the board member's immediate family, or by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the board member. In determining whether a gift falls within this subsection, the factors contained in Tenn. Code Ann. Section 3-6-114(b) (3) (A) and (B) shall apply.
 - ii. Informational materials in the form of books, articles periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
 - iii. Sample merchandise, promotional items, and appreciation tokens; provided they are routinely given to customers, suppliers or potential customers in the ordinary course of business;
 - iv. Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items; provided that any such item shall not be in a form which can be readily converted to cash;
 - v. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in paragraph 3;
 - vi. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the State. In such circumstances, the board member is to use his or her best judgment, and provide to the other board members a written disclosure of the gift, including a description, estimated value, the identity of the person or entity providing the gift, and any explanation necessary within fourteen (14) days;
 - vii. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the board member is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings; and
 - viii. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in paragraph 3.

5. Financial Interests.

- i. With the exception of the salary of the board member appointed pursuant to Tenn. Code Ann. § 7-86-302(b)(2), if such board member is a state employee, no board member shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the State or any of its agencies with regard to matters related to E911 or emergency communications. In recognition of the fact that many husbands and wives have separate careers, the normal employment compensation of a spouse whose regular, ongoing employer or business has a “benefit” to the board member, provided the contract with the State was procured without any participation, assistance or influence by the board member.
- ii. No board member shall have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her board-related duties or responsibilities. “Indirect financial interest” in this case includes a substantial interest on the part of a parent, spouse, or minor child of the board member. This subsection shall not apply to interests that have been placed into a “blind trust” arrangement pursuant to which the board member does not have knowledge of the retention or disposition of such interests. This subsection also shall not apply to ownership of publicly traded stocks or bonds where such ownership constitutes less than two percent (2%) of the total outstanding amount of the stocks or bonds of the issuing entity. If, at the time the board member begins his or her term on the board or at any subsequent time while serving on the Board, the board member possesses such direct or indirect financial interests prohibited by subsections (i) or (ii), the board member shall divest such interest within a reasonable time.

6. Use of information. No board member shall, directly or indirectly:

- i. Use, disclose, or allow the use of official information which was obtained through or in connection with his or her membership on the Emergency Communications Board and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the board member; or
- ii. Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her membership on the Emergency Communications Board.

7. Use of government property. No board member shall make use of the facilities, equipment, personnel or supplies of the State or its agencies for private use or gain, except to the extent that the use is incidental or *de minimus* or is lawfully available to the general public.

8. *Ex Parte* Communications in pending proceedings pursuant to Tenn. Code Ann. § 7-86-312.

- i. Upon receipt by the Board of a resolution from a city or county governing body requesting the Board to review a decision of the board of directors of the emergency communications district serving such city or county pursuant to Tenn. Code Ann. § 7-86-312, Board members may not communicate, directly or indirectly, regarding any issue related to the decision under review, while the request for review is pending, with any

person without providing notice and an opportunity to participate in the communication.

- ii. Notwithstanding subsection (i) Board members may communicate with Board staff on pending requests for review, members of the staff of the attorney general and reporter or a licensed attorney who has no interest in the decision being reviewed and agrees that the communication is privileged.

Adopted January 15, 2004.

POLICY NO. 19

PSAP MASTER CLOCKS

Effective April 1, 2004, emergency communications districts are encouraged to obtain for each public safety answering point (PSAP) therein that is capable of receiving enhanced 911 calls, a PSAP Master Clock that meets or exceeds the recommended standards of the National Emergency Number Association. The Tennessee Emergency Communications Board shall provide cost recovery for PSAP Master Clocks not to exceed \$5,000 per district, subject to availability of funds. Districts that presently possess such a PSAP Master Clock shall be eligible for such cost recovery upon production of paid invoices therefore.

Adopted March 12, 2004.

AMENDED POLICY NO. 20

GIS MAPPING SYSTEM CAPABILITIES

- A. Effective April 1, 2004, within one year, all public safety answering points in Tennessee that are receiving cost recovery for their Geographic Information Systems ("GIS") Mapping systems from the Tennessee Emergency Communications Board ("TECB"), and are receiving 911 calls with enhanced 911 data, shall obtain and be capable of effectively operating their GIS Mapping system in accordance with the minimum standards set forth by the TECB. It is recommended that emergency communications districts cooperate with neighboring governmental entities, if possible, to obtain and/or utilize a single GIS Mapping system meeting such minimum standards in their area, rather than expending limited resources on duplicate systems. Public safety answering points that are not receiving cost recovery for their GIS Mapping systems from the TECB are strongly encouraged to utilize the TECB's minimum standards for GIS Mapping systems.
- B. Effective May 26, 2005, within six months, all public safety answering points operated by emergency communications districts shall secure an agreement to obtain a GIS Mapping system that will be fully operational no later than December 31, 2005.

Adopted March 12, 2004, amended May 26, 2005, November 10, 2005.

POLICY NO. 21

NOTICE OF FINANCIAL PROBLEMS

Effective April 1, 2004, all emergency communications districts shall provide the Tennessee Emergency Communications Board with notice in the event that they are: (1) operating under an annual net loss and/or (2) in default on any debt. Such notice shall be provided in writing within ten (10) days of such event.

Adopted March 12, 2004.

POLICY NO. 22

VoIP

The Tennessee Emergency Communications Board hereby adopts the following policies on Voice Over Internet Protocol ("VoIP") as it relates to emergency communications: (1) consumers should be provided with notice of the extent to which their VoIP technology is able to accurately locate them for emergency communications purposes; (2) location technology should be required on all VoIP technology; and (3) providers of VoIP should be required to assist in maintaining the funding of 911 resources at a level equivalent to those generated by current or evolving funding processes.

Adopted March 12, 2004.

POLICY NO. 23

LINE CHARGES ON T1 and PRI CIRCUITS

The calculation of emergency telephone service charges on T1 and PRI circuits by local exchange carriers is far from uniform, resulting in possible competitive disadvantages in the marketplace. Inasmuch as use of the emergency telephone service charge as a competitive tool contravenes public policy, the Tennessee Emergency Communications Board ("TECB") interprets Tenn. Code Ann. § 7-86-108(a)(1)(A) as authorizing the imposition of such charges on each line in T1 and PRI circuits that can transmit a telephone call. Tenn. Code Ann. § 7-86-108 authorizes the imposition of the emergency telephone service charge on "exchange access facilities."⁴ Tenn. Code Ann. § 7-86-103(b) defines "exchange access facilities" as follows:

"Exchange access facilities" means all lines, provided by the service supplier for the provision of exchange telephone service, as defined in existing general

⁴ Tenn. Code Ann. § 7-86-108 (which states in pertinent part):

(a)(1)(A) The board of directors of the district may levy an emergency telephone service charge in an amount not to exceed sixty-five cents (65¢) per month for residence-classification service users, and not to exceed two dollars (\$2.00) per month for business-classification service users, to be used to fund the 911 emergency telephone service. Any such service charge shall have uniform application and shall be imposed throughout the entire district to the greatest extent possible in conformity with the availability of such service within the district. No such service charge shall be imposed upon more than one hundred (100) exchange access facilities per service user per location. . . .).

subscriber services tariffs filed by the service supplier with the Tennessee regulatory authority;⁵

The TECB interprets this language to reach "all lines" used to provide exchange telephone service. In the case of a T1 circuit, this would include each of the twenty-four (24) lines available to the subscriber that can transmit a telephone call and, as to a PRI, each of the twenty-three (23) lines used for telephonic purposes that are available to the subscriber.

Adopted July 16, 2004.

POLICY NO. 24

NOTICE TO TECB

Effective July 16, 2004, in order to be effective all documents, notices and notifications to the Tennessee Emergency Communications Board ("TECB") shall be provided in writing to the Executive Director at the TECB offices located at 500 James Robertson Parkway, Nashville, Tennessee 37243 or by some form of electronic communication."

Adopted July 16, 2004.

POLICY NO. 25

INTERLOCAL AGREEMENTS

Effective August 1, 2004, all agreements or arrangements between an emergency communications district and another governmental entity in which facilities, resources and/or income of any kind are shared, contributed or obtained shall be memorialized in written interlocal agreements and adopted by the board of directors of the local emergency communications district before the implementation of such an agreement.

Adopted July 16, 2004.

POLICY NO. 26

TIME FOR FILING APPLICATIONS FOR EMERGENCY TELEPHONE SERVICE CHARGE INCREASES AND EXTENSIONS OF INCREASES

Effective July 16, 2004, all applications for increases to the emergency telephone service charge and all applications for extensions of such increases shall be filed with the Tennessee Emergency Communications Board ("TECB") no later than thirty (30) days prior to the public meeting during which such application shall be considered. The TECB shall not consider applications that are filed after the thirty (30) day deadline and/or are inaccurate or incomplete absent extraordinary circumstances which could not be prevented by the exercise of prudence, diligence and due care.

Adopted July 16, 2004.

⁵ Tenn. Code Ann. § 7-86-103(7).

POLICY NO. 27

TREATMENT OF “AT RISK” DISTRICTS

Emergency Communications Districts (“ECDs”) with actual budget deficits or net losses for two consecutive years as identified by budgets or audits shall be considered “at-risk” within the meaning of Tenn. Code Ann. § 7-86-304(d). Tennessee Emergency Communications Board (“TECB”) staff shall contact “at-risk” ECDs to obtain additional information regarding cash flow, debits, revenues, obligations and potential defaults. If appropriate, the TECB staff may provide recommendations to assist at-risk ECDs in avoiding a designation of financial distress under Tenn. Code Ann. § 7-86-304(d). TECB members shall be notified of ECDs that are considered by the TECB staff to be “at-risk.”

Adopted September 10, 2004.

POLICY NO. 28

PROCEDURE FOR SEEKING TEMPORARY SERVICE CHARGE INCREASE EXTENSION PAST THE EXPIRATION DATE PENDING TECB CONSIDERATION

No later than ninety (90) days prior to the date an increase to the emergency telephone service charge in an emergency communications district is scheduled to expire, the Chairman of the affected district shall require the Board of Directors of such district to determine whether an extension of the increase is warranted. The Chairman shall provide written notice of the outcome of that determination to the Executive Director of the Emergency Communications Board (“TECB”) within ten (10) days of such vote.

In the event that a district Board of Directors votes to seek an extension of the service charge increase and its expiration date will occur before the TECB can consider the district's application for extension of the increase, the Chairman of the District Board of Directors may file a written request to the Executive Director of the TECB, that the increase be extended until the next TECB meeting. The Executive Director may allow such temporary extension provided the district has filed a complete and correct application for an extension of the rate increase.

Adopted September 10, 2004.

POLICY NO. 29

ETHICS POLICIES FOR EMERGENCY COMMUNICATIONS DISTRICTS

Boards of directors of emergency communications districts are strongly encouraged and advised to adopt ethics policies to regulate their activities, including but not limited to contractual obligations and acceptance of gifts, in order to avoid even the appearance of impropriety.

Adopted September 10, 2004.⁶

⁶ An Ethics Policy form based upon Executive Order No. 3, issued by the Governor of Tennessee on February 3, 2003, and Policy No. 18, adopted by the Tennessee Emergency Communications Board on January 15, 2004, is provided below solely for your convenience and is available in WORD format upon request by email, to facilitate the drafting of revisions. Districts are of course welcome to adopt this policy form or not, modify this policy form, or create their own ethics policy.

A POLICY CONCERNING ETHICS, CONFLICTS OF INTEREST AND ACCEPTANCE OF GIFTS ON THE PART OF MEMBERS OF THE BOARD OF DIRECTORS, EMPLOYEES AND AGENTS OF THE

EMERGENCY COMMUNICATIONS DISTRICT

1. Persons covered. This Policy applies to all members of the Board of Directors, employees and agents of the _____ Emergency Communications District (hereinafter "board members, employees and agents").
2. Board member, employee and agent responsibilities. Each board member, employee and agent shall avoid any action, whether or not specifically prohibited by statute, regulation, or this Policy, which might result in or create the appearance of:
 - i. Using public office for private gain;
 - ii. Giving preferential treatment to any person;
 - iii. Impeding government efficiency or economy;
 - iv. Losing complete independence or impartiality;
 - v. Making a government decision outside of official channels; or
 - vi. Affecting adversely the confidence of the public in the integrity of _____
Emergency Communications District or its Board of Directors.
3. Gifts. No board member, employee or agent shall solicit or accept, directly or indirectly, on behalf of himself or herself or any member of the board member's, employee's or agent's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:
 - i. Has, or is seeking to obtain, contractual or other business or financial relations with the _____
Emergency Communications District or its Board of Directors; or
 - ii. Conducts operations or activities that are regulated by the _____
Emergency Communications District or its Board of Directors; or
 - iii. Has interests that may be substantially affected by the performance or nonperformance of the board member's, employee's or agent's official duties.
4. Exceptions. The prohibition on accepting gifts in paragraph 3 does not apply to:
 - i. A gift given by a member of the board member's, employee's or agent's immediate family, or by an individual if the gift is given for a nonbusiness purpose and is motivated by a close personal friendship and not by the position of the board member, employee or agent. In determining whether a gift falls within this subsection, the factors contained in Tenn. Code Ann. Section 3-6-114(b) (3) (A) and (B) shall apply.
 - ii. Informational materials in the form of books, articles periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
 - iii. Sample merchandise, promotional items, and appreciation tokens; provided they are routinely given to customers, suppliers or potential customers in the ordinary course of business;
 - iv. Unsolicited tokens or awards of appreciation, honorary degrees, or bona fide awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items; provided that any such item shall not be in a form which can be readily converted to cash;

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- v. Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in paragraph 3;
 - vi. There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the Emergency Communications District. In such circumstances, the board member, employee or agent is to use his or her best judgment, and provide to the board of directors a written disclosure of the gift, including a description, estimated value, the identity of the person or entity providing the gift, and any explanation necessary within fourteen (14) days;
 - vii. Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the board member, employee or agent is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings; and
 - viii. Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in paragraph 3.
5. Financial Interests.
- i. No board member, employee or agent shall enter into or derive any benefit, directly or indirectly, from any contractual arrangement with the _____ Emergency Communications District with regard to matters related to E911 or emergency communications. In recognition of the fact that many husbands and wives have separate careers, the normal employment compensation of a spouse whose regular, ongoing employer or business has a "benefit" to the board member, employee or agent is excluded from this provision, provided the contract with the _____ Emergency Communications District was procured without any participation, assistance or influence by the board member.
 - ii. No board member, employee or agent shall have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his or her board-related duties or responsibilities. "Indirect financial interest" in this case includes a substantial interest on the part of a parent, spouse, or minor child of the board member, employee or agent. This subsection shall not apply to interests that have been placed into a "blind trust" arrangement pursuant to which the board member, employee or agent does not have knowledge of the retention or disposition of such interests. This subsection also shall not apply to ownership of publicly traded stocks or bonds where such ownership constitutes less than two percent (2%) of the total outstanding amount of the stocks or bonds of the issuing entity. If, at the time the board member, employee or agent begins his or her term on or tenure with the board or at any subsequent time while serving the Board, the board member, employee or agent possesses such direct or indirect financial interests prohibited by subsections (i) or (ii), the board member shall divest such interest within a reasonable time.
6. Use of information. No board member, employee or agent shall, directly or indirectly:
- i. Use, disclose, or allow the use of official information which was obtained through or in connection with his or her membership on the _____ Emergency Communications District Board of Directors or service with the _____ Emergency Communications District and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the board member; or
 - ii. Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her membership on the _____ the Emergency Communications District Board of Directors or service to the _____ the Emergency Communications District.
7. Use of district property. No board member, employee or agent shall make use of the facilities, equipment, personnel or supplies of the _____ Emergency Communications District for private use or gain, except to the extent that the use is incidental or *de minimus* or is lawfully available to the general public.

POLICY NO. 30

CARRIERS REQUIRED TO PROVIDE PSAPs WITH ALL CALL DATA

With regard to all 911 calls transmitted by CMRS providers, all call data obtained from each call, including but not limited to cell sector, tower location, Phase 2 location data, carrier name, call-back number, class of service, PANI or ESRK and call confidence level, shall be provided to the public safety answering point receiving the call.

Adopted September 10, 2004.

POLICY NO. 31

NOTICE OF OUTAGE

Emergency communications districts ("ECDs") or their agents or designees responsible for carrying out "operations of the district," shall notify the Tennessee Emergency Communications Board ("Board") of any failure or decrease in the level of any type or degree of 911 service of a duration over, or predicted to be over, sixty (60) minutes. Such notice shall be provided as soon as practicable after the outage occurs or notice of a predicted outage is received in order to permit the Board to assist in the restoration of service, if appropriate. The Executive Director shall determine the Board's level of involvement, if any, in assisting ECDs, carriers and service providers in restoring the appropriate level of E-911 service.

Consistent with current practice, in the event of service interruptions, ECDs shall be responsible for maintaining and/or restoring service. ECDs and carriers shall receive authorization from the Executive Director or his designee prior to halting or reducing the level or quality of E-911 service within any area of the state.

Adopted March 17, 2005

AMENDED POLICY NO. 32

MINIMUM BACKUP POWER REQUIREMENTS

All public safety answering points ("PSAPs") operated by Emergency Communications Districts shall obtain:

- (1) an uninterruptible power supply ("UPS") capable of providing uninterrupted power to emergency communications operations for a minimum of one hour; and
- (2) an emergency generator and fuel source for the generator capable of providing power sufficient to maintain minimum E-911 service operations and a suitable work environment to the PSAP for a minimum of forty-eight hours.

An additional backup emergency generator that utilizes an alternative fuel source is recommended but not required.

Adopted March 17, 2005, Amended May 26, 2005.

AMENDED POLICY NO. 33

MINIMUM TECHNICAL OPERATING STANDARD OF CARE FOR E-911 SERVICE

Pursuant to Tenn. Code Ann. § 7-86-306(a)(8), all public safety answering points in Tennessee shall:

1. Be capable of receiving and utilizing the data elements associated with wireline and wireless E-911 Phase II service, including Automatic Numbering Identification ("ANI") to determine a caller's phone number, Automatic Location Identification ("ALI") to pinpoint a wireline caller's location, and Phase II wireless coordinates as contemplated by 47 C.F.R. § 20.18 and the applicable orders of the Federal Communication Commission and their progeny; and
2. Possess and regularly maintain a GIS Mapping system capable of auto-populating E-911 location data.
3. Possess:
 - (1) an uninterruptible power supply ("UPS") capable of providing uninterrupted power to emergency communications operations for a minimum of one hour; and
 - (2) an emergency generator and fuel source for the generator capable of providing power sufficient to maintain minimum E-911 service operations and a suitable work environment to the PSAP for a minimum of forty-eight hours.

An additional backup emergency generator that utilizes an alternative power source is recommended but not required.

Adopted March 17, 2005, amended May 26, 2005.

POLICY NO. 34

FINANCIAL SUPPORT TO PROMOTE CONSOLIDATION OF RURAL ECDs

In order to effectuate the purposes of Tenn. Code Ann. § 7-86-105(b)(6), effective July 28, 2005, rural emergency communications districts that consolidate with another district shall be eligible for financial assistance up to a maximum of \$300,000 toward the cost of consolidation, to be determined on a case by case basis after a site visit and analysis by the Board or its designee, and the development in conjunction with the effected districts of a consolidation plan, including the projected costs associated with the project, subject to the Board's approval. The consolidation shall be memorialized in a written intergovernmental agreement consistent with Tenn. Code Ann. § 7-86-105(b)(6).

Adopted July 28, 2005.

POLICY NO. 35

MINIMUM STANDARDS FOR FREQUENCY OF ECD BOARD MEETINGS AND ELECTION OF OFFICERS

Effective April 20, 2006, each Emergency Communications District ("ECD") board of directors shall meet at least quarterly, and at the call of the chair. Each board also shall elect a chair and such other officers as it deems appropriate. At a minimum, such elections shall be conducted at least every two (2) years.

Adopted April 20, 2006

POLICY NO. 36

REQUIREMENT FOR ECDs TO ADOPT A WRITTEN PLAN FOR REROUTING 911 CALLS IN CASE OF NETWORK, EQUIPMENT, OR FACILITY FAILURE⁷

All public safety answering points ("PSAPs") operated by Emergency Communications Districts shall develop and adopt a written plan that defines how 911 calls will be rerouted in the event network facilities are disrupted, equipment fails, the PSAP must be evacuated, or for any other reason that 911 calls cannot be answered at the intended PSAP.

Adopted April 20, 2006

POLICY NO. 37

EXPENDITURES OF FINANCIALLY DISTRESSED DISTRICTS

Financially distressed districts must request and obtain Tennessee Emergency Communications Board ("TECB") approval before authorizing, making, or entering a firm obligation to obtain goods or services with a cost in excess of five thousand dollars (\$5,000). This requirement applies to purchases and expenditures involving partial payments of less than \$5,000, provided the payments total more than \$5,000 over time. Subject to the provisions of Tennessee Code Annotated § 7-86-306, the TECB Executive Director is authorized to approve or deny such requests. If denied, the district may appeal the decision to the TECB members at a TECB meeting.⁸

Adopted June 22, 2006

⁷ The plan required under this policy may be included in the overall and written contingency plans for the ECD or their agents or designees if desired. This policy does not negate the requirement in Policy No. 31 that the ECB Executive Director or designee be notified when outages exceed a duration of over sixty (60) minutes.

⁸ To be considered at a particular meeting of the TECB, the request for appeal must be received no later than two (2) weeks before the meeting.

POLICY NO. 38

REMOVAL OF COMMITTEE MEMBERS

If a member of any Tennessee Emergency Communications Board ("TECB") committee has more than three (3) unexcused absences⁹ in a twelve (12) month period, the TECB may, at its option, remove or replace the member upon notice.

Adopted June 22, 2006

⁹ Unexcused absences are all absences except: (1) absences required due to an unavoidable conflict, which are excused in advance of the meeting by TECB staff or (2) unexpected absences due to unavoidable emergency circumstances (such as medical or family emergency), provided notice of the emergency is given to TECB staff within five (5) business days. When a committee has provided for telephonic participation, a committee member is not deemed to be absent when the member participates in the meeting by telephone.